

ARDEN CHURCH OF ENGLAND SCHOOL

FURTHER DECLARATION OF TRUSTS AND MORTGAGING
ORDINANCE 1979

No. 33 1979

AN ORDINANCE to vary the Arden Church of England Girls' School Declaration of Trusts and Mortgaging Ordinance 1970 to declare the trusts of certain land and to authorise the mortgaging of that land and other adjoining land.

WHEREAS

A. Church of England Property Trust Diocese of Sydney (hereinafter referred to as "Property Trust") is the registered proprietor of certain land (hereinafter referred to as the "said land") referred to in the Schedule set out in the Arden Church of England Girls' School Declaration of Trusts and Mortgaging Ordinance 1970 (hereinafter referred to as the "Mortgaging Ordinance");

B. The Property Trust is described by the Mortgaging Ordinance as the "Corporate Trustee" and was authorised to mortgage or charge from time to time the whole or any part of the said land and the said land is now held subject to mortgage to the Bank of New South Wales pursuant to the Mortgaging Ordinance;

C. Subsequent to the granting of the aforesaid mortgage Arden Church of England School Council (hereinafter referred to as "School Council") was incorporated as a Body Corporate pursuant to the Church of England (Bodies Corporate) Act, 1938 by the Arden Church of England School Council Incorporation Ordinance 1974 on 3rd January, 1975.

D. The School Council has agreed to purchase certain land referred to in the Schedule hereto (hereinafter referred to as the "additional land");

E. The additional land is to be consolidated into the land first referred to in the Schedule to the Mortgaging Ordinance in accordance with the requirements of the Council of the Shire of Hornsby.

F. The Property Trust has consented to retire as the Trustee of the said land and for the School Council to become the Trustee thereof PROVIDED THAT there is first passed an Ordinance authorising the School Council as Trustee to do all things which

the Property Trust is empowered to do under the Mortgaging Ordinance AND
25 FURTHER that the School Council be empowered to mortgage or charge the
additional land in accordance with the provisions of the Mortgaging Ordinance;
G. The Bank of New South Wales has consented to the vesting of the said land
in the School Council.

H. It is expedient to declare trusts for the additional land as church trust
30 property for the use benefit and purposes of the School at Beecroft in connection
with the Church of England in Australia in the Diocese of Sydney and it is
expedient that the additional land be mortgaged or charged in the same manner and
for the same purposes as declared in the Mortgaging Ordinance;

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and
35 place of such Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:-

1. This Ordinance may be cited as "Arden Church of England School Further
Declaration of Trusts and Mortgaging Ordinance 1979".

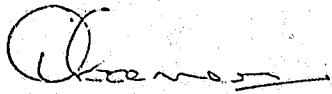
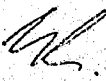
2. The additional land shall be held by the School Council upon trust for the
use benefit and purposes of the Arden Church of England School at Beecroft in
40 connection with Church of England in Australia in the Diocese of Sydney.

3. Without limiting the operation of Section 9(5) of the Church of England
(Bodies Corporate) Act, 1938, the School Council shall have and may exercise
and perform all the powers, authorities, duties and functions of the Corporate
Trustee under the Mortgaging Ordinance in relation to the said land and the
45 additional land and for the purposes thereof a reference to the Corporate Trustee
in Clauses 1, 3, 4 and 5 of the Mortgaging Ordinance shall be read and construed
as if it were a reference to the School Council.

SCHEDULE

ALL THAT portion of land being part of the land situated at Beecroft in the Shire
of Hornsby Parish of Field of Mars and County of Cumberland contained in Certificate
of Title Volume 5474 Folio 18 and being vacant land, such portion of land having
a depth of 70 feet on both sides (being measured from the rear boundary) by a
width of 43 feet 5 3/4 inches (the said measurements being a little more or less)
and being part of 37 Wongala Crescent, Beecroft.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance
as reported.


Chairman of Committees 

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 27th day of August 1979.

[Handwritten Signature]

Secretary

I ASSENT to this Ordinance.

[Handwritten Signature]

Archbishop of Sydney

27/8/1979